



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 12**

### **Energy**

#### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## **INTRODUCTION**

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to Energy.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"NES" is a National Environmental Standard.

"NPS" means National Policy Statement.

"NPSET" means National Policy Statement on Electricity Transmission.

"NZAS" means New Zealand Aluminium Smelter Limited.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Spark NZ Limited" refers to the company previously known as Telecom NZ Limited.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING TO CONSIDER SUBMISSIONS TO THE PROPOSED DISTRICT PLAN**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 25 August 2014.

### **Section 42A Report**

The Hearings Committee received a report from Joanna Shirley, Policy Planner with the Invercargill City Council. In her report, Mrs Shirley highlighted that Section 7 of the RMA required particular regard to be given to the efficiency of the end use of energy; the effects of climate change, and the benefits to be derived from the use and development of renewable

energy. She also advised that the benefits of renewable energy are recognised by central government through the NPS for Renewable Electricity Generation 2011, which requires District Plans to include objectives, policies and methods to provide for development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.

Mrs Shirley described the objectives and policies of the Proposed District Plan as recognising the benefits of renewable generation but acknowledged that the development of these resources, and non-renewable resources, can have adverse impacts on the environment, and that this may give rise to competing values. She also noted that provisions have been developed which promote the conservation and efficient use of energy through subdivision design, building design and site layout.

Mrs Shirley referred to the 25 submission points and one further submission received on the Energy provisions of the Proposed Plan from 11 different submitters. She advised that one submitter (Transpower) questioned whether the distribution of electricity should be regulated by the Energy provisions in the Proposed Plan, considering that it is already subject to regulation under the Infrastructure Rule. Arising from this, Mrs Shirley recommended amending the Energy Rule 3.6 to remove energy distribution activities.

Several other minor amendments to the provisions were also recommended. Mrs Shirley considered these changes would help clarify the intent of the provisions.

### **Submitters Attending the Hearing**

No persons appeared at the hearing.

### **Material Tabled at the Hearing**

#### Transpower New Zealand Limited

Mike Hurley, Senior Environmental Planner at Transpower, advised of acceptance of the recommendations in the Section 42A Report. He reiterated the submission by Transpower expressing concerns with the relationship between the Energy provisions and the Infrastructure provisions of the Plan, but acknowledged these concerns have been addressed by the officer's recommendations. He also advised that Transpower supports recognition that the connection between new large scale electricity generation and the existing National Grid would be considered as part of the application for generation activities; as provided for in the new matters of discretion in Rule 3.6.5 (H) and (I).

#### Chorus NZ Limited and Spark NZ Limited

Mary Barton, Senior Environmental Planner at Chorus NZ Limited, advised on behalf of Chorus NZ Limited and Spark NZ Limited that the recommendations made to Submissions 102.10 and 104.10 were supported, notwithstanding the minor amendments recommended in the Section 42A Report as a consequence of other submissions.

#### New Zealand Police

Marty Thomson of NZ Police supported the recommendation to retain Rule 3.6.2 because it enables the installation and use of solar panels and other small generation infrastructure to provide energy to utility facilities. He noted that Mrs Shirley recommended the words "and distribution" be deleted from the rule as a result of a submission by Transpower (87.44) and advised the removal of these words did not affect Police's support for the rule.

### South Port NZ Limited

Kirsty O'Sullivan of Mitchell Partnerships advised on behalf of South Port NZ Limited that the amendments recommended to the energy related provisions are consistent with the overall outcomes sought by South Port's submissions.

Mrs O'Sullivan indicated that in Submission 24.17, South Port sought expansion of Objective 4 to recognise the regional and/or local benefits (both direct and indirect effects) of renewable electricity generation. She also advised that Submission 24.19(a) requested additional objectives and policies to recognise the benefits of developing mineral and non-renewable energy sources. She disagreed with the recommendations in the Section 42A Report rejecting these submissions.

## **THE HEARING TO CONSIDER SUBMISSIONS TO VARIATION 6**

The hearing to consider the submissions lodged to Variation 6 was held on 14 March 2016.

### **Section 42A Report**

The Hearings Panel received a report from Gareth Clarke, Senior Policy Planner with the Invercargill City Council, outlining that the rules in the Proposed Plan as notified omitted to provide for renewable generation activities with an installed generation capacity greater than 4MW which are not connected to the national grid and that Variation 6 corrected this. In addition, changes made to the definition of "small and community-scale renewable energy generation" in the NPSREG also required an amendment to the Proposed Plan for consistency.

Mr Clarke advised that eight submissions and no further submissions were received in relation to this Variation, with the majority of the submissions opposing the 10kW generation capacity limit for small and community-scale renewable energy. Concerns were also raised around the need for some activities associated with the investigation into the development of renewable energy generation to obtain resource consent. The recommendations in his report support the approach in the Variation and recommend it is accepted, subject to amendments to the generation capacity limit for small and community-scale renewable energy, and the activity status for activities associated with the investigation of renewable energy generation.

### **Submitters Attending the Variation Hearing**

#### Wade Devine

Wade Devine made an oral presentation to the Committee suggesting that the amendment recommended to Rule 3.6.2 should provide for generation capacity "up to 20 kW" rather than "less than 20 kW" as generation units are produced in 1 kW sizes.

### **Material Tabled at the Variation Hearing**

#### Transpower New Zealand Limited

Claire Kelly, a Senior Planner at Boffa Miskell Limited, provided a written statement of evidence in which she supported the planner's recommendations in the Section 42A Report.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **Issues Raised by South Port**

South Port in Submission 24.17 sought expansion of Objective 4 to recognise the regional and/or local benefits (both direct and indirect effects) of renewable electricity generation. South Port in Submission 24.19(a) requested additional objectives and policies to recognise the benefits of developing mineral and non-renewable energy sources. Mrs Shirley in her Section 42A Report rejected these submissions.

In the written material submitted to the hearing Kirsty O'Sullivan on behalf of South Port NZ Limited, in relation to recognising local and regional benefits of renewable energy generation, accepted that Objective 2 provides this recognition in relation to energy resources, and that similar wording should be used in Objective 4 to ensure that the national and regional benefits of renewable energy generation are treated equally. The Committee however did not agree with Mrs O'Sullivan, concluding that Objective 2 was generic across all energy resources, including renewable energy generation. It also agreed with Mrs Shirley that it was unnecessary to duplicate parts of Objective 2 in Objective 4.

The Committee also considered the same response applied to the request for additional objectives and policies referring to non-renewable energy generation. It also accepted the view of Mrs Shirley that the resource consent process provided further opportunity for all of the benefits of energy generation to be considered.

## **SECTION 32 MATTERS**

### **Requirements**

The Committee was advised by Mrs Shirley that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
  - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
  - Identifying other reasonably practicable options for achieving the objectives; and
  - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.



The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

### **Assessment**

The Committee is satisfied that the changes made as a consequence of this Decision are of a minor nature and do not require further assessment under Section 32AA. Mrs Shirley also considered the changes in her Section 42A Report and reached the same view, stating:

*The Energy Section of the original Section 32 report is relevant to this report. The changes proposed are within the scope of the original evaluation findings and do not raise any additional matters of consideration.*

*The majority of the changes are minor in effect and are recommended to help clarify the issue of energy and the intent of the provisions. The recommended amendment to Policy 4 will allow for a more comprehensive assessment of the effects and to ensure that the best outcome is achieved at a local, regional and national level. The proposed wording is consistent with the provisions of the regional policy statement and Part 2 of the RMA.*

*The most significant change to the provisions is to remove “energy distribution” from the Energy Rule. This is considered necessary to meet the purpose of the RMA and to provide for the sustainable development of the District. It is considered that the amendment will improve the ability to distribute energy, which will have a positive impact on the economic, social and cultural well-being of the community.*

The changes introduced by the Variation were also considered in Mr Clarke’s Section 42A Report on Variation 6. Mr Clarke concluded that the changes will have benefits for the social and economic well-being of the community and are the most effective and efficient means of achieving the objectives. The Committee agrees with those conclusions and adopts them.

Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

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## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<b>SECTION 2.6 ISSUES OBJECTIVES AND POLICIES</b>	
<b>General</b>	
<p><b>64.20 Department of Conservation</b> The submitter supports the objectives, policies and methods as they promote the management of adverse effects on the environment resulting from these activities and give effect to Part 2 of the RMA. Retain objectives, policies and methods.</p> <p><b>117.5 Southern District Health Board</b> Agree with the Energy Issues, Policies, Objectives and Methods of Implementation</p> <p><b>87.9 Transpower NZ Ltd</b> The submitter supports the promotion and use of renewable energy, as well as the protection of existing energy generation from new development. Furthermore the submitter supports the separate consideration of generation and transmission given the separation of these roles in the electricity industry. Retain 2.6.2 Objectives and 2.6.3 Policies as notified.</p>	<p><b>Decision 12/1</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support provisions in the Proposed Plan and seek no change to them.  It should be noted however that consequential to other decisions minor wording changes are made to Objective 2 and Policies 2, 3, 4, and 5. That does not change their intent.</p>
<p><b>24.19(a) South Port NZ Ltd</b> The submitter considers that it is appropriate to specifically recognise the benefits that can be obtained by the development of mineral and non renewable energy resources including both direct and indirect effects on the region. Similar objectives and policies relating to the investigation, development and benefits of non renewable energy sources need to be included.</p> <p><u>Decision Sought</u>: Include an objective(s) and policy(ies) that also specifically recognise and provide for the regional benefits associated with the development of non-renewable energy generation.</p>	<p><b>Decision 12/2</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> Objective 4 in referring to "balance" and Section 104 of the RMA requiring positive and negative effects to be considered in assessing any resource consent adequately cover the matter.</p>

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<b>Introduction</b>	
<p><b>24.14 South Port NZ Ltd</b> Support. The submitter considers it appropriate to recognise that the Port has a strategic role in assisting with the development of energy projects in the Region. Retain.</p>	<p><b>Decision 12/3</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Introduction and seeks no change to it.</p>
<p><b>65.14 ICC Environmental and Planning Services</b> Support in part. The submitter considers that it is not clear what the term “energy” encompasses and that this should be clarified. Amend the Introduction to explain what “energy” encompasses.</p>	<p><b>Decision 12/4</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The Introduction adequately describes a range of power sources and means of using energy efficiently. This is considered clear in its context.</p>
<b>2.6.1 Issues</b>	
<p><b>87.8 Transpower NZ Ltd</b> The submitter supports the issues in part. The submitter seeks that Issue 4 include specific reference to the National Grid. This will highlight its national importance and give effect to the NPSET.</p> <p><u>Decision Sought:</u> Amend Issue 4 with any consequential amendments to read:</p> <p>4 Land use and development has the potential to adversely impact on the existing and future utilisation of energy resources and associated infrastructure, <u>including the National Grid.</u>”</p>	<p><b>Decision 12/5</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend Issue 4 as follows:</p> <p>4. Land use and development has the potential to adversely impact on the existing and future utilisation of energy resources and associated infrastructure, <u>including the National Grid.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The efficient transmission of electricity on the national grid contributes to the well-being of people and the environment, and is recognised by central government as a matter of national significance.</li> <li>2. Land use development can adversely impact on the National Grid and this should be recognised in the Proposed Plan.</li> </ol>

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<b>2.6.2 Objectives</b>	
<p><b>88.62 Federated Farmers</b>            The submitter supports Objective 1 in part. The submitter is cautious in respect to the extent to which Council may influence energy usage decisions which sit with private individuals and landowners and believes non-regulatory methods are the best way to ensure energy conservation is promoted through education and encouragement of environmental awards.</p> <p><u>Decision Sought:</u> Adopt these Objectives as proposed, but focus on non-regulatory approaches for the promotion of more efficient use of energy.</p>	<p><b>Decision 12/6</b>            This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Insert a new Method 4 (with consequential renumbering) to read:  <b>Method 4</b> <u>Consider energy efficiency as part of subdivision consents.</u></p> <p>(ii) Replacing Method 5 with the following:  <b>Method 5</b> <u>Guidelines for energy efficient subdivision design and consider energy efficiency as part of subdivision consents. Promoting energy efficiency and conservation through education – guidelines, brochures and leaflets, consultation, and facilitation.</u></p> <p><b>Reason</b>            Non-regulatory methods are an effective tool in the promotion of energy efficiency and conservation and this should be recognised in the Plan.</p>
<p><b>24.15 South Port NZ Ltd</b>            The submitter supports Objective 2. The submitter considers it appropriate to adopt a balanced assessment when considering energy projects in the City, this includes wider economic and social benefits such as use of the Port for delivery of components. Retain.</p>	<p><b>Decision 12/7</b>            This submission is noted.</p> <p><b>Amendments to District Plan</b>            None required.</p> <p><b>Reason</b>            The submitter supports Objective 2 and seeks no change to it.</p> <p>It should be noted that in Decision 12/8 a minor wording change is made to Objective 2, but that does not change its intent.</p>

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<p><b>53.6 NZ Transport Agency</b> The submitter supports the intent of Objective 2 but notes that integrated planning has not been identified as an objective, and suggests that Objective 2 be reworded to include consideration of this.</p> <p><u>Decision Sought:</u> Retain Objective 2 but reword as follows:</p> <p>An integrated planning approach is taken to the management of adverse effects resulting from the use and development of local and regional energy resources, recognising and balancing the significance of those effects with the benefits that arise at a local, regional, and national level.</p> <p><b>FS25.5 Transpower NZ Ltd</b> <i>Oppose in part Submission 53.6</i> The further submitter does not support a combined approach to the consideration of electricity generation and the transmission of electricity to where it is demanded, given the separation of these roles in the electricity industry and also the constraints on where electricity can be generated</p>	<p><b>Decision 12/8</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend Objective 2 as follows:</p> <p><u>An integrated planning approach is taken to</u> the management of the adverse effects of <u>resulting from</u> the use and development of local and regional energy resources, recognising and balancing the significance of those effects with the benefits that arise at a local, regional, and national level.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Integrated planning encourages issues to be considered within a wider perspective, examining all economic, social, cultural and environmental costs and benefits of a proposal and will help to determine the most appropriate action to provide for the ongoing needs of people and communities at a local, regional and national level.</li> <li>2. While there is a separation of roles between electricity generation and the transmission of electricity, providing for an integrated approach will not impact on the separate functions of these two roles.</li> </ol>
<p><b>24.16 South Port NZ Ltd</b> The submitter supports Objective 3. The submitter considers it appropriate to promote the generation and use of renewable energy resources in the City. Retain.</p>	<p><b>Decision 12/9</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports Objective 3 and seeks no change to it.</p>

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<p><b>24.17 South Port NZ Ltd</b>                      The submitter supports Objective 4 in part. The submitter suggests that while it is entirely appropriate to recognise the national significance of renewable energy generation, the regional and/or local benefits (both direct and indirect effects) also need to be given adequate recognition within the Plan.</p> <p><u>Decision Sought:</u> Expand the objective to also recognise the local and regional benefits of renewable energy generation activities.</p>	<p><b>Decision 12/10</b>                      This submission is rejected.</p> <p><b>Amendments to District Plan</b>                      None required.</p> <p><b>Reason</b>                      The local and regional benefits of renewable energy generation activities are recognised in Objective 2 and repeating them here is not necessary.</p>
<b>2.6.3 Policies</b>	
<p><b>24.18 South Port NZ Ltd</b>                      The submitter supports Policy 2. They consider that this policy properly recognises the relevant provisions within section 7 of the Act insofar as they relate to renewable energy. Retain.</p>	<p><b>Decision 12/11</b>                      This submission is noted.</p> <p><b>Amendments to District Plan</b>                      None required.</p> <p><b>Reason</b>                      The submitter supports Policy 2 and seeks no change to it.</p> <p>It should be noted however that consequential to Decision 12/12 a minor wording change is made to Policy 2, but that does not change its intent.</p>
<p><b>77.17 Te Runaka o Waihopai and Te Runaka o Awarua</b>                      The submitter supports Policy 2 in part. They consider that this policy needs to acknowledge public health.</p> <p><u>Decision Sought:</u> Amend as follows:                      “... adverse effects on the environment <u>and public health</u> where this is practicable”</p> <p><b>117.6 Southern District Health Board</b>                      The submitter supports Policies 2 and 5 in general. Due to energy demand projections, the submitter supports the intention to explore renewable energy sources in Southland. However, the submitter recommends a wording change to Policy 2 to recognise public health effects as follows:                      “...recognising the need to avoid, remedy or mitigate adverse effects on the</p>	<p><b>Decision 12/12</b>                      These submissions are accepted.</p> <p><b>Amendments to District Plan</b>                      Amend Policy 2 as follows:</p> <p><b>Renewable energy:</b> To recognise the local, regional and national benefits of renewable energy, and provide for the use and development of renewable energy resources while recognising the need to avoid, remedy or mitigate adverse effects on the environment <u>and public health</u>, where this is practicable.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitters support the policy.</li> <li>2. While providing positive health benefits, renewable energy has the potential to adversely impact public health (for example as a result of</li> </ol>

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environment <u>and public health</u> where this is practicable.”	noise from wind turbines).
<p><b>34.2 Silver Fern Farms Ltd</b> The submitter supports Policy 3. Retain the intent of the policy to make provision for small scale renewable electricity generation activities.</p> <p><b>88.63 Federated Farmers</b> The submitter supports Policy 3 in part. The submitter considers that given the increasing cost of energy and the importance of innovation in electricity generation, it is relevant for the Council to adopt a policy that specifically provides for the investigation and development and operation of renewable electricity resources for us by individuals and local communities. However, they believe businesses should be specifically included and identified in this policy. Adopt Policy 3, with the following wording amendment:  To provide for investigation into and development and operation of renewable electricity resources for use by individuals, <u>businesses</u> and local communities.</p>	<p><b>Decision 12/13</b> Submission 34.2 Silver Fern Farms Ltd is noted. Submission 88.63 Federated Farmers is accepted.</p> <p><b>Amendments to District Plan</b> Amend Policy 3 as follows:  Small and community scale renewable electricity: To provide for investigation into and development and operation of renewable electricity resources for use by individuals, <u>businesses</u> and local communities.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitters support the policy.</li> <li>2. There are opportunities for businesses to provide for their own needs through small scale electricity generation.</li> </ol>
<p><b>24.19(b) South Port NZ Ltd</b> The submitter supports Policy 4 in part. They do not consider it appropriate to require that all adverse effects be mitigated. The RMA allows effects to be remedied, and in some cases there may be residual adverse effects that cannot be avoided, remedied or mitigated, but that on balance the benefits of the activity will outweigh any such effects. This is an entirely acceptable outcome under the provisions of the Act.  <u>Decision Sought:</u> Amend Policy 4 as follows:  “...where adverse effects can be <u>suitably avoided, remedied or mitigated.</u>”</p>	<p><b>Decision 12/14</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend Policy 4 as follows:  To provide for investigation into and development and operation of mineral and non-renewable energy resources where adverse effects can be <u>avoided, remedied or mitigated.</u></p> <p><b>Reason</b> While it is appropriate to amend the policy to allow adverse effects to be avoided, remedied or mitigated the word “suitably” is vague and would leave the policy open to debate.</p>



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<p><b>65.15 ICC Environmental and Planning Services</b>                      The submitter considers that the explanation of Policy 5 should be reworded to acknowledge that whilst the use of renewable energy resources can impact on the environment, it is preferable to the use of non-renewable resources which reduces the resource as well as impacts on the environment.</p> <p><u>Decision Sought:</u> Amend the explanation to Policy 5 to read:</p> <p><u>While the use of renewable energy resources can impact on the environment,</u> <del>P</del> preferring the development and use of renewable energy resource over non-renewable energy resource when forming policy and making decisions on resource consents will provide for future generations by not reducing the resource or impacting on the climate.</p>	<p><b>Decision 12/15</b>                      This submission is accepted.</p> <p><b>Amendments to District Plan</b>                      Amend the explanation of Policy 5 as follows:</p> <p><u>While the use of renewable energy resources can impact on the environment,</u> <del>P</del> preferring the development and use of renewable energy resources over non-renewable energy resources when forming policy and making decisions on resource consents will provide for future generations by not reducing the resource or impacting on the climate.</p> <p><b>Reason</b>                      The addition appropriately recognises the environmental benefit of renewable energy sources.</p>
<b>SECTION 3 RULES</b>	
<p><b>52.6 NZ Police</b>                      The submitter supports Rule 3.6.1 because it enables the installation and use of solar panels and other small generation infrastructure to provide energy to utility facilities. Retain Rule 3.6.1.</p> <p><b>64.21 Department of Conservation</b>                      The submitter supports Rule 3.6.1, particularly the limits placed on small scale renewable energy projects to locate within areas of significant indigenous biodiversity, identified sites of heritage value, and within an identified outstanding natural feature or landscape. Retain Rule 3.6.1 as notified.</p> <p><b>102.10 Chorus NZ Ltd and 104.10 Telecom NZ Ltd</b>                      The submitter supports Rule 3.6.1, as they enable the installation and use of solar panels and other small-scale generation infrastructure to provide energy to utility facilities. Retain Rule 3.6.1.</p> <p><b>64.22 Department of Conservation</b>                      The submitter supports Rule 3.6.5. They consider that this provision gives effect to part 2 of the RMA. Retain 3.6.5 as notified.</p>	<p><b>Decision 12/16</b>                      These submissions are noted.</p> <p><b>Amendments to District Plan</b>                      None required.</p> <p><b>Reason</b>                      The submitters support Rule 3.6 and seek no change to it.</p> <p>It should be noted however that consequential to Decision 12/18 a number of minor changes are made to the Rule, but this does not override its intent in the context of the entire plan.</p>
<p><b>87.44 Transpower NZ Ltd</b></p>	<p><b>Decision 12/17</b></p>

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SUBMISSION	DECISION
<p>The submitter opposes Rule 3.6 in part. The submitter considers that the integrated approach to consent requirements for electricity generation and the transmission of electricity to where it is demanded may not be realistic or possible due to the separation of the electricity industry. However, they recognise that the ability to transmit the electricity generated by a large scale energy generator should be considered at the time of consent for the generation activity.</p> <p>The submitter comments that they are subject to rules under infrastructure in Section 3.9 of the Plan and consider that the non-complying activity status for a new line under Rule 3.6.4 does not give effect to the NPSET, in that it does not provide for the development or upgrading of the National Grid.</p> <p>The submitter considers that the development of new lines should always be considered under the provisions of Section 3.9 Infrastructure but that Section 3.6 Energy should include assessment matters that provide for the feasibility of connection required to the National Grid.</p> <p><u>Decision Sought:</u> Amend 3.6 as follows:</p> <p>3.6.1 Small and community scale renewable energy generation <del>and distribution</del> is a permitted activity where the energy generation facility is not located:</p> <p>3.6.3 The following activities are discretionary activities:</p> <p>(A) Small and community scale renewable energy generation <del>and distribution</del> that does not comply with Rules 3.6.1 or 3.6.2 above.</p> <p>(B) Any activity associated with the investigation into the development of any large scale renewable energy generation <del>and/or distribution</del>, except as provided for in Rule 3.6.2 above.</p> <p>(C) Any activity associated with the investigation, development and operation of non-renewable energy generation <del>and/or distribution</del> in the Industrial 4 Zone.”</p> <p>3.6.4 The following activities are non-complying activities:</p> <p>(A) Any activity associated with the investigation into the development of any large scale non-renewable energy generation <del>and/or distribution</del>, except in the Industrial 4 Zone.</p>	<p>This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> Rule 3.6 is not clear and requires amendment. This has been done by way of Variation 6, and the matters raised by the submitter have been considered in Decision 12/18.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>(B) Any large scale energy generation <del>and/or distribution</del> activity is a non-complying activity except in the Industrial 4 Zone.</p> <p>3.6.5 Applications under Rules 3.6.3 and 3.6.4 above shall address the following matters, which will be among those taken into account by the Council:</p> <p>(D) The nature and location of existing renewable electricity generation <del>and distribution</del> activities.</p> <p>(E) Any effects of connecting to existing infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, <del>the local electricity distribution network, and the national grid.</del></p> <p><u>(H) Ability to connect to existing National Grid transmission lines.</u></p> <p><u>(I) The need for feasibility and effects of providing additional lines/connections to the National Grid including substations.</u></p> <p>And any consequential amendments.</p>	
<b>VARIATION 6</b>	
<b>GENERAL</b>	
<p><b>V5.1 Transpower New Zealand Limited</b></p> <p>Oppose in part. The submitter reiterates their position, established through their original submission on the Proposed District Plan, that the development of new lines should always be considered under the provisions of Section 3.9 Infrastructure, but that Section 3.6 Energy should include assessment matters that provide for the feasibility of any connection required to the National Grid. The reasons for their submission are due to the separation of the electricity industry, and the restrictions on the roles of all of the participants. As a result of this separation of roles, Transpower will have ultimate responsibility for transmission, but not generation. There will be more than one organisation involved in the establishment of any generation and its connections to the National Grid – it is not a matter of a single organisation making applications and then giving effect to them.</p> <p>However, the submitter recognises that the ability to transmit the electricity</p>	<p><b>Decision 12/18</b></p> <p>These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>Amend Rule 3.6 as follows:</p> <p>3.6.2 Small and community-scale renewable energy generation <del>and distribution</del> with an installed electricity generation capacity of <del>less than 10</del> <u>up to 20</u> kilowatts (kW) is a permitted activity <u>provided that where the energy generation facility is not located:</u></p> <p><del>(A) In an identified area of significant indigenous biodiversity.</del></p> <p><del>(B) On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or</del></p> <p><del>(C) Within an identified outstanding natural feature or landscape.</del></p> <p><u>(A) The energy generation facility is not located:</u></p> <p style="padding-left: 20px;">(a) <u>In an area of significant indigenous biodiversity identified on the</u></p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>generated by a large-scale energy generator should be considered at the time of consenting the generation activity. The submitter suggests it is pointless to consent an electricity generation facility that cannot connect to the National Grid.</p> <p><u>Decisions Sought:</u></p> <p>(i) Amend 3.6.1 as follows:</p> <p><i>Small and community scale renewable energy generation <del>and distribution</del> with an installed electricity generation capacity of less than 10 kilowatts (kW) is a permitted activity where the energy generation facility is not located:</i></p> <p>(ii) Amend 3.6.2 as follows:</p> <p><i>Any activity associated with the investigation, development and operation of renewable energy generation <del>and/or distribution</del> in the Industrial 4 Zone is a permitted activity.</i></p> <p>(iii) Amend 3.6.3 as follows:</p> <p><i>The following activities are discretionary activities:</i></p> <p>(A) <i>Small and community scale renewable energy generation <del>and distribution</del> that does not comply with Rules 3.6.1 or 3.6.2 above.</i></p> <p>(B) <i>Except as provided for in Rule 3.6.2 above, Any activity associated with the investigation into the development of <del>any large scale</del> renewable energy generation <del>and/or distribution</del>, except as provided for in Rule 3.6.2 above <u>not permitted by Rule 3.6.1 above.</u></i></p> <p>(C) <i>Any activity associated with the investigation, development and operation of non-renewable energy generation <del>and/or distribution</del> in the Industrial 4 Zone.</i></p> <p>(iv) Amend 3.6.4 as follows:</p> <p><i>The following activities are non-complying activities:</i></p> <p>(A) <i>Any activity associated with the investigation into the development of <del>any large scale</del> non-renewable energy generation <del>and/or distribution</del>, except in the Industrial 4 Zone <u>as provided for in Rule 3.6.3(C) above.</u></i></p>	<p style="text-align: center;"><u>District Planning Maps</u></p> <p>(b) <u>On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or</u></p> <p>(c) <u>Within an outstanding natural feature or landscape identified on the District Planning Maps.</u></p> <p><u>B. No more than three wind electricity generation turbines or masts are located on any site.</u></p> <p>3.6.3 Any activity associated with the investigation, development and operation of renewable energy generation <del>and/or distribution</del> in the Industrial 4 Zone is a permitted activity.</p> <p>3.6.4 The following activities are discretionary activities:</p> <p>(A) Small and community scale renewable energy generation <del>and distribution</del> that does not comply with Rules <del>3.6.1 or 3.6.2</del> or 3.6.3 above.</p> <p>(B) Any activity associated with the investigation, development and operation of non-renewable energy generation <del>and/or distribution</del> in the Industrial 4 Zone.</p> <p>3.6.5 The following activities are non-complying activities:</p> <p>(A) Any activity associated with the investigation into the development of non-renewable energy generation <del>and/or distribution</del>, except as provided for in Rule 3.6.4(B), 3(C) above.</p> <p>(B) Any energy generation <del>and/or distribution</del> activity not provided for in Rules 3.6.1 – 3.6.45(A) above is a non-complying activity.</p> <p>3.6.6 Applications under Rules 3.6.43 and 3.6.54 above shall address the following matters, which will be among those taken into account by the Council:</p> <p>(D) The nature and location of existing renewable electricity generation <del>and distribution</del> activities.</p> <p>(E) Any effects of connecting to existing infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, <del>and the local electricity distribution network, and the national grid.</del></p> <p>.....</p> <p><u>(H) The ability to connect to existing National Grid transmission lines.</u></p> <p><u>(I) The need for feasibility and effects of providing additional</u></p>

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SUBMISSION	DECISION
<p>(B) <del>Any large-scale energy generation and/or distribution activity not provided for in Rules 3.6.1 – 3.6.4(A) above is a non-complying activity. except in the Industrial 4 Zone.</del></p> <p>(v) Amend 3.6.5 as follows:</p> <p><i>Applications under Rules 3.6.3 and 3.6.4 above shall address the following matters, which will be among those taken into account by the Council:</i></p> <p>.....</p> <p>(D) <del>The nature and location of existing renewable electricity generation and distribution activities.</del></p> <p>(E) <del>Any effects of connecting to existing infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the local electricity distribution network, and the national grid</del></p> <p>....</p> <p><u>(H) The ability to connect to existing National Grid transmission lines.</u></p> <p><u>(I) The need for feasibility and effects of providing additional lines/connections to the National Grid including substations.</u></p> <p>(vi) And any consequential amendments.</p>	<p style="text-align: center;"><u>lines/connections to the National Grid including substations.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. It is appropriate to remove the distribution controls from the Energy rule and manage them through the Infrastructure provisions.</li> <li>2. It is agreed that it is important to consider the ability for large scale energy generation activities to connect to the national grid as part of the resource consent process.</li> <li>3. It is not clear why the consideration of the distribution network under Rule 3.6.5(E) should be removed. Transpower advised of its acceptance of the planner’s recommendations in the Section 42A Report.</li> <li>4. Rule 3.6.3(B) has been deleted by Decision 12/21. Also refer to decision 12.19 for amendments to the permitted energy generating capacity and locational restrictions.</li> </ol>
<p><b>V7.1 Todd Meikle</b></p> <p>The submitter opposes the proposed changes as they relate to the 10kW generation capacity limit for Small and Community Scale Renewable Energy Generation. The submitter believes small scale should be a private dwelling and 25kW as these systems, either stand alone or on the grid, are not as efficient as we are led to believe. The submitter refers to an example of a 10kW system with 5kW wind and 5kW solar. If there is no sun for five days then there is no power generated. Too much wind, or not enough, means no power. The submitter advises that this does happen and restricting the generation capacity to 10kW does not make these systems feasible. The submitter believes limits need to be lifted and broken into two separate groups – private dwelling and community scale renewable energy generation, with the private small scale being set at 25kW and community scale being set at 2MW, otherwise it will become unfeasible to change to renewable energy</p>	<p><b>Decision 12/19</b></p> <p>Submissions V7.1 Todd Meikle, V2.1 Wade Devine and V8.1 Kylie Fowler are accepted in part.</p> <p>Submission V1.1 J W Dassen is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>Amend Rule 3.6.2 as follows:</p> <p>Small and community-scale renewable energy generation <del>and distribution</del> with an installed electricity generation capacity of <del>less than 4</del> <u>up to 20</u> kilowatts (kW) is a permitted activity <del>provided that where the energy generation facility is not located:</del></p> <p>(A) <del>In an identified area of significant indigenous biodiversity.</del></p> <p>(B) <del>On the site of an identified building, structure, place or area identified in Appendix II</del></p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>generation. The submitter considers that it seems like the only ones to benefit are commercial line companies and power generation companies “who rape the consumers”. The submitter believes there must be a major conflict of interest with ICC trying to drop national guidelines, with the ICC having interest in power generation and electrical networks.</p> <p><u>Decision Sought:</u> That small and community scale be broken into two separate activities. Small scale should be min 25kW and community scale 2MW, otherwise power generators and line companies will continue to dictate people’s usage.</p> <p><b>V1.1 J W Dassen</b> Oppose. The submitter considers the capacity restriction of 10 kilowatts (kW) for small and community scale renewable energy generation and distribution is too low. The submitter states that the standard and most popular size for a domestic household is 20kW. The submitter believes that solar energy is becoming more popular and is particularly concerned about farming situations. The submitter considers that a resource consent is another form of compliance costs and that there are a number of other standards and approvals required.</p> <p><u>Decision Sought:</u> Increase the permitted electricity generation capacity limit to 20 kilowatts.</p> <p><b>V2.1 Wade Devine</b> Oppose. The submitter considers the amendments proposed by Variation 6 as an unnecessary impingement on property owners residential, commercial and industrial rights to manage their energy resources within applicable NZ Standards for such PV installations. The submitter considers the 4MW limit in the Proposed District Plan is adequate, and consumers should be allowed to become energy efficient and independent without undue Council restrictions impeding their reasonable endeavours to do so. It appears to the submitter that the Resource Management Act is the catch all Council means to unnecessarily restrict self-sufficiency, and one could also see the Variation as just another means to collect revenue.</p> <p><u>Decision Sought:</u> Modify this variation to make PV and other self-sustaining energy a non-notifiable permissible activity. The proper and safe installation</p>	<p style="text-align: center;"><del>– Sites of Heritage Value in this District Plan, or</del></p> <p><del>(C) Within an identified outstanding natural feature or landscape.</del></p> <p>(A) <u>The energy generation facility is not located:</u></p> <p>(a) <u>In an area of significant indigenous biodiversity identified on the District Planning Maps</u></p> <p>(b) <u>On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or</u></p> <p>(c) <u>Within an outstanding natural feature or landscape identified on the District Planning Maps.</u></p> <p>B. <u>No more than three wind electricity generation turbines or masts are located on any site.</u></p> <p><b>Reasons</b></p> <p>1. It is accepted that while wind energy developments with an installed generation capacity of 10kW might produce enough power to supply multiple sites, a solar energy development with the same generation capacity may only produce enough power to supply one or two sites. An energy generation capacity limit of 20kW is therefore appropriate as a permitted activity.</p> <p>2. It is appropriate to limit the number of wind turbines that can be erected on a site, ensuring that any adverse effects on visual amenity remain acceptable.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>is mandated by the Electricity Regulations and the applicable NZ Standards. The 10kW limit needs to be raised to at least 25 kW. The RMA must not be used as a means to restrict new and sustainable energy options.</p> <p><b>V8.1 Kylie Fowler</b> Oppose. The submitter opposes the low level of “power generation” allowed in residential zones and hopes the Proposed District Plan allows residents the ability to generate power for residential use using renewable methods without adding more costs via the need for resource consent.</p>	
<b>RULE 3.6.1</b>	
<p><b>V3.1 Pioneer Generation Limited and V4.1 Southern Generation Limited Partnership</b> The submitters support the retention of Rule 3.6.3(A) as it provides for small and community scale renewable energy generation as a discretionary activity. Retain Rule 3.6.3(A).</p>	<p><b>Decision 12/20</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the rule and seek no change to it.</p>
<p><b>V3.2 Pioneer Generation Limited and V4.2 Southern Generation Limited Partnership</b> The submitters are concerned that Rule 3.6.3(B) is extremely onerous, particularly as no definition of “Investigation” has been provided. Investigations into sites for the development of renewable energy are temporary activities that can range from non-intrusive, such as a site walkover or topographical survey (or even reviewing geological maps), to more intrusive activities such as geotechnical investigations or the erection of monitoring equipment. The submitter considers requiring resource consent for activities, and in particular non-intrusive activities such as a site walkover, to be contrary to Part 2 of the Act.</p> <p>The submitters note that the effects associated with typical activities relating to the investigation of sites are covered by District wide plan provisions (such as earthworks and infrastructure), or by the bulk and location requirements (i.e. height) of the individual zones. The submitters are unsure of the basis for</p>	<p><b>Decision 12/21</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Delete Rule 3.6.3(B) and add new Rule 3.6.1 as follows:</p> <p><u>3.6.1 Any activity associated with the investigation into renewable energy generation is a permitted activity, provided that such activities comply with all other Rules and standards in this Plan.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The adverse effects likely to be associated with investigation into renewable energy activities can be adequately managed by other Proposed District Plan provisions.</li> <li>2. A further amendment is required to clarify that investigation activities will still be subject to the other District Plan performance standards,</li> </ol>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>regulating the investigation into renewable energy of more than 10kW given that a “baseline” of effects has been set by other plan provisions. They point out that based on the Plan as notified, a “mast” as infrastructure could be erected for data collections purposes as a permitted activity (refer to the definition of infrastructure), however, if such a mast was erected for the purposes of conducting an investigation into renewable energy it would require resource consent. When the effects of two activities are identical, the submitter considers it inequitable to require consent for one and not the other. Further to this, as data collection for the investigation into renewable energy generation is a temporary activity, the effects associated with the investigation into renewable energy can be considered less than those arising from a permanent structure erected for some other data collection purpose.</p> <p>The submitters do not oppose the need for resource consent for the construction and operation of energy generation facilities, or for consents required for undertaking investigation into generation where District Plan performance standards are exceeded. They are, however, concerned that Variation 6 seeks to regulate an activity (investigation) that is not currently defined in the Proposed Plan, or in the Variation, and is unclear in scope.</p> <p>The submitters also consider the reference in Rule 3.6.3(B) to be unclear because whilst Rule 3.6.1 provides for renewable energy <i>distribution</i> and <i>generation</i> up to 10kW, the rule specifically excludes investigation (as opposed to Rule 3.6.2 which includes investigation). Therefore, as investigation into small and community scale renewable energy generation less than 10kW is not permitted by Rule 3.6.1, this too requires resource consent under Rule 3.6.3(B). The submitter suggests this was probably not the intention of Council and further casts doubt over the validity of the planning approach taken by the Variation.</p> <p>The submitters note that the Plan as notified required resource consent as a discretionary activity for large scale renewable generation (which was defined as over 4MW), and also required resource consent for investigation into large scale renewable generation. Based on the above analysis, the Variation requires resource consent for <u>any</u> investigation into non-renewable energy. The submitter considered such an approach onerous; and also wishes to highlight the Section 32 Evaluation prepared by Council does not assess the</p>	<p>for example, the rules covering Height of Structures, Natural Features and Landscapes, Heritage etc.</p>



## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>costs of requiring resource consent for such activities.</p> <p>Given the above concerns around interpretation of the rule, and the fact investigation activities that Council may wish to have some control over are in fact already addressed by other Plan provisions, the submitter considers Rule 3.6.3(B) should be deleted as it is not necessary.</p> <p><u>Decision Sought:</u> Delete Rule 3.6.3(B) and add new Rule 3.6.X:</p> <p><u>3.6.X: Any activity associated with the investigation into renewable energy generation is a permitted activity.</u></p>	
DEFINITIONS	
<p><b>V3.3 Pioneer Generation Limited and V4.3 Southern Generation Limited Partnership</b></p> <p>Should the provisions requiring resource consent for the “investigation into the development of energy generation” be retained, the submitter considers a definition is required that clarifies what activities are intended to be captured by this activity. The submitter considers at a minimum non-intrusive activities should be excluded from such a definition.</p>	<p><b>Decision 12/22</b></p> <p>This submission is accepted in part</p> <p><b>Amendments to District Plan</b></p> <p>Add new definition for “Investigation into energy generation” as follows:</p> <p><b><u>Investigation into Energy Generation:</u></b> Means activities undertaken for the identification and assessment of potential sites and sources for energy generation, including:</p> <p>(A) <u>The installation of instruments and devices, including the erection of masts and telemetry stations, required to investigate the extent of an energy resource and/or to assess the suitability of a site for energy generation into drill holes for monitoring groundwater levels and land movement</u></p> <p>(B) <u>Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions</u></p> <p>(C) <u>Erection of signs or notices giving warning of danger</u></p> <p>(D) <u>Construction and maintenance of access tracks and roads to any investigation and assessment sites and facilities</u></p> <p><b>Reason</b></p> <p>It is accepted that without a definition for “investigation” there is potential for the term to be more widely interpreted than what was intended.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p><b>V6.1 Environment Southland</b></p> <p>The submitter supports Option C as listed in the Consultation Document i.e. amend the definition of “small and community scale renewable energy generation” so it aligns with the definitions from the National Policy Statement for Renewable Energy Generation 2011 (NPSREG) and the Proposed Southland Regional Policy Statement 2012 (PSRPS). The submitter also suggests an amendment to include a hyphen in “community-scale”, as per the spelling in the NPSREG and the PSRPS.</p> <p><u>Decision Sought:</u> Amend the definition of small and community scale renewable energy generation to include a hyphen to read “community-scale” as per the spelling in the NPSREG and the PSRPS.</p>	<p><b>Decision 12/23</b></p> <p>These submissions are noted.</p> <p><b>Amendments to District Plan</b></p> <p>Throughout the Proposed Plan include a hyphen so the clause reads:</p> <p>Small and Community-Scale Renewable Energy Generation</p> <p><b>Reason</b></p> <p>The amendment corrects a minor error.</p>

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

#### 2.6 Energy

As the main urban area of the Southland region, Invercargill is also<sup>1</sup> a major consumer of energy.

Historically, readily available and relatively affordable energy has driven economic growth. It is therefore important to ensure that Invercargill has a secure supply of energy in order to be able to maintain economic growth and provide greater resilience to energy supply and price shocks.

Changes in behaviour as a result of fluctuations in availability and price of energy needed to be anticipated and planned for.

In particular, use of energy associated with urban development needs to be considered. If cities are spread out with inefficient roading patterns, transport energy is wasted. Use of energy within buildings can be substantially reduced by design that makes best possible use of naturally available energy sources, such as the sun.

There is potential for renewable energy development within the Invercargill District, particularly a wind resource in the Bluff and Greenhills areas, and options such as solar, tidal and wave energy. The Council recognises the benefits of renewable electricity generation is a matter of national significance.

Activities that harness the energy potential of the District's energy resources may generate adverse environmental effects, however, energy must be sourced from its location and any adverse effects considered alongside positive effects at a local, regional and national level. This gives rise to competing values between the energy resource and amenity, landscape and biodiversity values.

The presence of land suitable for development in close proximity to the port of Bluff provides an opportunity to locate facilities and plants to service and develop energy resources located elsewhere in the Southland region.

**Note:** Issues, objectives and policies relating to the transmission and distribution of energy resources are covered in the Infrastructure and Transportation sections of the Plan.

##### 2.6.1 Issues

###### **The significant resource management issues for energy:**

1. Energy can be lost through inefficiency in building design and urban design resulting in adverse effects on people, communities and the environment.
2. Development and use of Invercargill's energy resources gives rise to competing values, with adverse environmental impacts arising at the same time as benefits at a local, regional and national level.
3. There are energy resources available for use in Invercargill that are under utilised and capable of being developed at a small scale for individual use, and at a large scale for transmission or transportation throughout the city and beyond.

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<sup>1</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

4. Land use and development has the potential to adversely impact on the existing and future utilisation of energy resources and associated infrastructure including the National Grid.<sup>2</sup>

### 2.6.2 Objectives

**Objective 1:** Energy resources are used efficiently.

**Objective 2:** An integrated planning approach is taken to ~~the~~ management of the adverse effects resulting from ~~of~~ the use and development of local and regional energy resources, recognising and balancing the significance of those effects with the benefits that arise at a local, regional, and national level.<sup>3</sup>

**Objective 3:** Generation and use of renewable energy resources is increased.

**Objective 4:** The national significance of renewable electricity generation activities is recognised.

**Objective 5:** Maintenance and, where possible, strengthening of the security of electricity supply is enabled.

**Objective 6:** Building design and development takes into consideration energy efficiency and conservation.

### 2.6.3 Policies

**Policy 1 Efficiency and conservation:** To promote energy efficiency and conservation through subdivision and building design and development.

***Explanation:** Energy, in all its different forms, is a core part of everything we do, so it is extremely important that we continue to have a secure supply in the future. Improving energy efficiency can reduce pressure on existing energy production and infrastructure. The active promotion of the conservation and efficient use of energy is important when considering subdivision design, building design, and site layout. Energy conservation and efficiency also needs to be promoted in domestic, residential, commercial, transport and industrial planning.*

**Policy 2 Renewable energy:** To recognise the local, regional and national benefits of renewable energy, and provide for the use and development of renewable energy resources while recognising the need to avoid, remedy or mitigate adverse effects on the environment and public health, where this is practicable.<sup>4</sup>

***Explanation:** Providing for the development and use of renewable energy resources when forming policy and making decisions on resource consents will provide for future generations by not reducing the resources or impacting on the climate. Recognition needs to be given to the fact that there is limited/finite number of sites that are suitable for renewable energy generation.*

*The National Policy Statement for Renewable Electricity Generation 2011 acknowledges that practical constraints associated with renewable electricity*

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<sup>2</sup> Decision 12/5

<sup>3</sup> Decision 12/8

<sup>4</sup> Decision 12/12

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

*generation activities can limit the ability to avoid, remedy or mitigate adverse effects.*

**Policy 3 Small and community-scale<sup>5</sup> renewable electricity:** To provide for investigation into and development and operation of renewable electricity resources for use by individuals, businesses and local communities.<sup>6</sup>

**Explanation:** *Small scale renewable<sup>7</sup> distributed generation has the benefit of increasing reliability of energy supply and reducing risk of energy supply failure for individuals and communities. There are real opportunities for individuals, businesses and community groups to provide for their own needs through small scale distributed generation. Council encourages the use of small scale energy production for individual domestic use where proven to be suitable, i.e. solar hot water systems for homes. However, there are adverse effects created by these systems, such as glare and noise generation. These effects on the expected amenities of the area should also be considered, avoided, remedied or mitigated.*

**Policy 4 Non-renewable energy:** To provide for investigation into and development and operation of mineral and non-renewable energy resources where adverse effects can be avoided, remedied or mitigated.<sup>8</sup>

**Explanation:** *Because energy has such an important role in our society, consideration needs to be given to all energy sources to ensure the best outcome for people living in Invercargill. It is important to make provision for the development of those mineral resources that are regionally and nationally significant by taking into account the potential benefits to the community and the region and nation as a whole. It is also important that nationally significant resources are protected against future reverse sensitivity issues by managing development and land use to avoid conflict.*

**Policy 5 Priority:** To promote the use and development of renewable energy resources ahead of non-renewable energy resources.

**Explanation:** *While the use of renewable energy resources can impact on the environment, ~~P~~preferring the development and use of renewable energy resource over non-renewable energy resource when forming policy and making decisions on resource consents will provide for future generations by not reducing the resource or impacting on the climate.*<sup>9</sup>

**Policy 6 Reverse sensitivity:** To avoid reverse sensitivity effects on consented and existing energy facilities and associated infrastructure, and on undeveloped energy resources.

**Explanation:** *Energy facilities which have already been consented are entitled to freedom from complaints from adjacent land uses which have established subsequently.*

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<sup>5</sup> Decision 12/23

<sup>6</sup> Decision 12/13

<sup>7</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>8</sup> Decision 12/14

<sup>9</sup> Decision 12/15

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**Policy 7 Management of effects:** To ensure adverse effects of energy facilities, any associated traffic movements and any associated earthworks are appropriately managed.

***Explanation:** Energy facilities, like any other land use, need to manage their effects on the environment.*

**Policy 8 Maintenance and upgrading:** To provide for the maintenance and upgrading of existing renewable electricity generation activities.

***Explanation:** Once established, the maintenance and upgrading of infrastructure for existing renewable electricity generation will enable the efficient use of existing resources.*

### 2.6.4 Methods of Implementation

**Method 1** Zoning to delineate areas for urban expansion to promote energy efficient urban form.

**Method 2** Rules providing for the investigation and development of renewable energy resources as priority over non-renewable energy resources.

**Method 3** Rules to maximise passive solar gain in new subdivision and land use design.

**Method 4** Consider energy efficiency as part of subdivision consents.<sup>10</sup>

**Method 45** Recognise innovative and energy efficient design through environmental awards.

**Method 56** ~~Guidelines for energy efficient subdivision design and consider energy efficiency as part of subdivision consents.~~ Promoting energy efficiency and conservation through education – guidelines, brochures and leaflets, consultation, and facilitation.<sup>11</sup>

## SECTION 3 RULES

### 3.6 Energy<sup>12</sup>

**3.6.1** Any activity associated with the investigation into renewable energy generation is a permitted activity, provided that such activities comply with all other Rules and standards in this Plan.<sup>13</sup>

**3.6.12** ~~Small and community-scale<sup>14</sup> renewable energy generation and distribution<sup>15</sup> with an installed electricity generation capacity of less than 10 up to 20<sup>16</sup> kilowatts (kW) is a permitted activity provided that where the energy generation facility is not located:~~

<sup>10</sup> Decision 12/6

<sup>11</sup> Decision 12/6

<sup>12</sup> Variation 6 replaced section 3.6

<sup>13</sup> Decision 12/21

<sup>14</sup> Decision 12/23

<sup>15</sup> Decision 12/18

<sup>16</sup> Decision 12/19

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- ~~(A) In an identified area of significant indigenous biodiversity.~~
- ~~(B) On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or~~
- ~~(C) Within an identified outstanding natural feature or landscape.~~
- (A) The energy generation facility is not located:
  - (a) In an area of significant indigenous biodiversity identified on the District Planning Maps
  - (b) On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or
  - (c) Within an outstanding natural feature or landscape identified on the District Planning Maps.<sup>17</sup>
- (B) No more than three wind electricity generation turbines or masts are located on any site.<sup>18</sup>

**3.6.23** Any activity associated with the investigation, development and operation of renewable energy generation ~~and/or distribution~~<sup>19</sup> in the Industrial 4 Zone is a permitted activity.

**3.6.34** The following activities are discretionary activities:

- ~~(A) Small and community-scale~~<sup>20</sup> renewable energy generation ~~and distribution~~<sup>21</sup> that does not comply with Rules ~~3.6.1 or 3.6.2~~ or 3.6.3 above.
- ~~(B) Except as provided for in Rule 3.6.2 above, any activity associated with the investigation into the development of renewable energy generation and/or distribution not permitted by Rule 3.6.1 above.~~<sup>22</sup>
- ~~(C)~~ Any activity associated with the investigation, development and operation of non-renewable energy generation ~~and/or distribution~~<sup>23</sup> in the Industrial 4 Zone.

**3.6.45** The following activities are non-complying activities:

- ~~(A) Any activity associated with the investigation into the development of non-renewable energy generation and/or distribution~~<sup>24</sup>, except as provided for in Rule 3.6.4 ~~(B) (C)~~ above.
- ~~(B) Any energy generation and/or distribution~~<sup>25</sup> activity not provided for in Rules 3.6.1 – 3.6.4 5(A) above is a non-complying activity.

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<sup>17</sup> Decision 12/18 and 12/19

<sup>18</sup> Decision 12/18 and 12/19

<sup>19</sup> Decision 12/18

<sup>20</sup> Decision 12/23

<sup>21</sup> Decision 12/18

<sup>22</sup> Decision 12/21

<sup>23</sup> Decision 12/18

<sup>24</sup> Decision 12/18

<sup>25</sup> Decision 12/18

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**3.6.56** Applications under Rules ~~3.6.3~~ and 3.6.4 and 3.6.5 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Any adverse effects on:
- (a) The natural character of the coastal environment, wetlands, lakes and rivers and their margins.
  - (b) The protection of outstanding natural features and landscapes.
  - (c) Areas of significant indigenous biodiversity.
  - (d) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
  - (e) The safe and efficient movement of traffic.
  - (f) Amenity values of any surrounding commercial, residential or rural areas and/or activities.
  - (g) The safety and integrity of any high pressure gas line, high voltage electricity line or other significant network utility, infrastructure or service.
  - (h) Heritage.
  - (i) Any significant geological or archaeological values.
  - (j) The visual character and amenity of the area, including:
    - (1) The extent to which the proposal will adversely impact on residences, key public places including roads, and recreation areas.
    - (2) The proximity of the proposal to any significant ridgelines.
    - (3) The visibility of the proposal with particular regard to any highly visible landscapes.
    - (4) Glare and light flicker.
- (B) The nature and location of the ~~renewable~~<sup>26</sup> energy source.
- (C) Logistical or technical practicalities associated with developing, operating or maintaining the proposed ~~renewable~~<sup>27</sup> electricity generation activity.
- (D) The nature and location of existing ~~renewable~~<sup>28</sup> electricity generation ~~and distribution~~<sup>29</sup> activities.

<sup>26</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>27</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>28</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>29</sup> Decision 12/18

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- (E) Any effects of connecting to existing infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, and the local electricity distribution network.~~and the national grid.~~<sup>30</sup>
- (F) Effects of any associated earthworks.
- (G) Any adverse effects on communities and the environment through the ongoing operation and subsequent closure of energy facilities.
- (H) The ability to connect to existing National Grid transmission lines.<sup>31</sup>
- (I) The need for feasibility and effects of providing additional lines/connections to the National Grid including substations.<sup>32</sup>

### SECTION 4 DEFINITIONS

**Investigation into Energy Generation:** Means activities undertaken for the identification and assessment of potential sites and sources for energy generation, including:

- (A) The installation of instruments and devices, including the erection of masts and telemetry stations, required to investigate the extent of an energy resource and/or to assess the suitability of a site for energy generation into drill holes for monitoring groundwater levels and land movement
- (B) Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions
- (C) Erection of signs or notices giving warning of danger
- (D) Construction and maintenance of access tracks and roads to any investigation and assessment sites and facilities<sup>33</sup>

**Renewable Energy:** Means energy that comes from a resource that is continually replenished such as sunlight, wind, rain, tides, waves, geothermal heat and other ground sourced heat.

**Small and Community-Scale<sup>34</sup> Renewable Energy Generation and Distribution:** Means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

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<sup>30</sup> Decision 12/18

<sup>31</sup> Decision 12/18

<sup>32</sup> Decision 12/18

<sup>33</sup> Decision 12/22

<sup>34</sup> Decision 12/23

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